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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,401	02/13/2004	Shini-chi Utsunomiya	1912.69647	2778
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P.O. Box 52050				
Minneapolis, MN 55402				
EXAMINER				
CHO, HONG SOL				
ART UNIT		PAPER NUMBER		
2419				
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06/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/779,401

Applicant(s)

UTSUNOMIYA ET AL.

Examiner

Hong Cho

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/20/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the RCE filed on 4/20/09. Claims 1-20 are pending in the instant application.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/9/09 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 2, 5-7, 10-12, 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vlodavsky et al (US 20030161327), hereinafter referred to as

Vlodavsky, in view of Liu et al (US 5530703), hereinafter referred to as Liu and further in view of Tomaru et al (US 7003710, "Tomaru").

Re claims 1, 2, 5-7, 10-12, 15-17 and 20, Vlodavsky discloses registering information about an attribute of packets that are receivable corresponding to a command; acquiring information about an attribute of the packet received (paragraph [0023]), but fails to disclose execute, upon occurrence of a reception error that there is no information (packet type in claims 2, 7, 12 and 17) in the attribute registering unit corresponding to the information acquired by the attribute acquiring unit, a predetermined reception error handling routine according to a type of the reception error. Liu discloses discarding a packet if the packet type does not match in filtering process performed in a processor (executing a part of the reception error handling routine as a firmware process executed by a microcomputer, column 10, lines 53-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Vlodavsky with the teaching of Liu in abandoning a packet with a packet type not in the system for the benefit of providing secure network communication. Vlodavsky and Liu fail to explicitly disclose determining, upon occurrence of a reception error, whether the reception error requires a retry for requiring retransmission of the packet, and to perform the retry when the reception error requires the retry. However, the concept of packet retransmission based on error detection is well known in the art. Tomaru discloses retransmitting only the block that is required to be retransmitted based on the error correction codes of a block type (column 15, lines 22-28). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Vlodavsky with the teaching of Tomaru for the benefit of providing reliable data transmission.

Claim 3, 8, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vlodavsky in view of Liu and Tomaru and further in view of Gupta et al (US 7027394), hereinafter referred to as Gupta.

Re claims 3, 8, 13 and 18, Vlodavsky discloses all of the limitations of the base claim, but fails to disclose abandoning the packet received upon occurrence of a reception error that there is no information about the length of the packet in the attribute registering unit corresponding to the information about the length of the packet acquired by the attribute acquiring unit. Gupta discloses discarding a packet if the packet length does not match a given packet length (column 30, lines 31-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Vlodavsky with the teaching of Gupta in abandoning a packet with a different packet length in the system for the benefit of providing secure network communication.

Claim 4, 9, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vlodavsky in view of Liu and Tomaru and further in view of Ptasinski et al (US 20020041570), hereinafter referred to as Ptasinski.

Re claims 4, 9, 14 and 19, Vlodavsky discloses all of the limitations of the base claim, but fails to disclose abandoning the packet received upon occurrence of a reception

error that there is no information about the sequence of receiving of the packet in the attribute registering unit corresponding to the information about the sequence of receiving of the packet acquired by the attribute acquiring unit. Ptasinski discloses discarding a packet if the sequence number does not match a given sequence number (paragraph [0227], lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Vlodavsky with the teaching of Ptasinski in abandoning a packet with a sequence number not in the system for the benefit of providing secure network communication.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hong Cho/

Primary Examiner, Art Unit 2419